IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9502 of 2005

Between:

M/s Athidhi Gruha Foods, Prop. Podili Venkata Rayudu
S/o Sri P. Narasimha Rao , aged 30 years, occ: Business, 5-87-33, Laxmipuram, Guntur.

..... PETITIONER

AND

1 The Commissioner, Guntur Municipal Corporation, Guntur.
2 The Sanitary Inspector (Arundalpet Division), O/o The Guntur Municipal Corporation, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ, order or direction, declaring the action of the Respondents in not "issuing the Licence" though, the Petitioner has applied for the same on 26-3-2005, as illegal, arbitrary, unconstitutional and violative of Fundamental Rights guaranteed as Per Law and consequently direct the Respondents to "reopen the shop situated at D.No. 6-10-25/7, 10/1,. Arundalpet, Guntur premises and permit the Petitioner to carry out the business.

Counsel for the Petitioner:MR.M.NAGA RAGHU

Counsel for the Respondents: MR.T.S.VENKATARAMANA

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in not issuing the licence, though the petitioner has applied for the same on 26.03.2005, as arbitrary and illegal.

The petitioner states that he has been carrying on the business at Lakshmipuram, Guntur under the name and style of M/s.Athidhi Gruha Foods since 1992. The petitioner with an intention to expand his business, has taken a premises situated at D.No.6-10-25/7, 10 line, 1st Cross Road, Arundalpet, Guntur on lease and applied to the respondents-Corporation for licence under Section 521 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'). Though the said application was made on 26.03.2005 duly paying the requisite licence fee by way of Demand Draft, the respondents failed to consider the same so far. In the meanwhile, the 2nd respondent inspected the new business premises at Arundalpet on 20.04.2005 and seized the entire material and locked the premises under the cover of panchanama

on the ground that the petitioner does not possess a licence under Section 521 of the Act. Aggrieved by the said action of the respondents this writ petition is filed.

Having heard the learned counsel for both the parties and keeping in view that the petitioner has made an application on 26.03.2005 and the same is pending consideration, I deem it appropriate to dispose of the writ petition with a direction to the respondents-Corporation to consider the said application of the petitioner for licence and to pass appropriate orders, in accordance with law, within a period of one week from the date of receipt of a copy of this order. Till such time, the petitioner shall not carry on the business in the premises in question. However, the respondents are directed to open the seals put to the premises and hand over all the seized food items forthwith to the petitioner under proper acknowledgment. There shall be no order as to costs.

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26.04.2005

Jsu
To

1 The Commissioner, Guntur Municipal Corporation, Guntur.
2 The Sanitary Inspector (Arundalpet Division), O/o The Guntur Municipal Corporation, Guntur.

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